

**REMARKS****I. General**

Claims 1-23 (as renumbered by the Examiner) are pending in the present application. Claims 17-20 have been withdrawn from consideration. Claims 1-9, 12-16, 21, and 24 stand rejected under the judicially created doctrine of obviousness-type double patenting. Claims 1-16, and 21-24 stand rejected under 35 U.S.C. § 102. Applicant respectfully traverses the rejections of record.

Applicant notes that the Examiner has renumbered original claims 13-25 to claims 12-24, and the claim listing included herewith reflects the foregoing renumbering. However, the Examiner did not indicate that the claim dependencies have been changed to reflect the renumbering of the claims. Accordingly, Applicant has presented amendments of claims 14 and 22-24 to correct the dependencies thereof in accordance with the renumbering of the claims. No new matter has been added. Applicant has not amended the dependencies of claims 18-20 due to their withdrawn status.

Applicant has amended the specification as suggested by the Examiner. Specifically, paragraph [0001] has been updated to replace reference to application number 10/080,341 with reference to patent number 6,666,414.

**II. The Double Patenting Rejections**

Claims 1-9, 12-16, 21, and 24 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of United States patent number 6,666,414. Applicant proposes submitting a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c) if the obviousness-type double patenting rejection stands upon indication that the claims are allowable over the art.

**III. The 35 U.S.C. § 102 Rejections**

Claims 1-7, 10-16, and 21-23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Joss et al., United States patent number 5,823,495 (hereinafter *Joss*). Claims 1-4, 6-9, 12, 21, and 24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by

Ramsdell, United States patent number 5,344,032 (hereinafter *Ramsdell*). Applicant respectfully traverses the 35 U.S.C. § 102 rejections of record.

To anticipate a claim under 35 U.S.C. § 102, a reference must teach every element of the claim, see M.P.E.P. § 2131. Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he elements must be arranged as required by the claim,” see M.P.E.P. § 2131, citing *In re Bond*, 15 US.P.Q.2d 1566 (Fed. Cir. 1990). Additionally, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim,” see M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 US.P.Q.2d 1913 (Fed. Cir. 1989). Applicant respectfully asserts that the applied references do not teach every element of the claims, do not show elements arranged as required by the claims, and do not show the identical invention in as complete detail as is contained in the claims.

#### A. The Rejections Over *Joss*

Claim 1 recites “a deforming element configured from a resiliently-deformable surface, wherein said deforming element increases a deformability of said resiliently-deformable surface . . . .” In rejecting claim 1 over *Joss*, the Examiner relies upon middle section 120 of spring 118 to meet the deforming element and planar surface 104 to meet the resiliently-deformable surface, see the Office Action at page 4. However, middle section 120 of spring 118 is not configured from planar surface 104, but instead is attached thereto. Accordingly, the elements of *Joss* relied upon in rejecting the claim are not arranged as recited in the claim.

Moreover, neither spring 118 nor middle section 120 thereof increase a deformability of planar surface 104, nor has the Examiner shown otherwise. Accordingly, *Joss* does not teach or suggest a deforming element which increases a deformability of the resiliently-deformable surface. Claim 1 and the claims dependent therefrom are, therefore, patentable under 35 U.S.C. § 102 over *Joss*.

Claim 21 recites “[a] system for dissipating heat in a computer-mounted device” and “securing said computer-mounted device in relation to a computer . . . .” The Examiner relies

upon the disclosure of *Joss* to meet this claim, see the Office Action at page 6. However, *Joss* teaches a mounting apparatus for securing a mobile radio, see the Abstract. Accordingly, *Joss* is insufficient to meet the claim under 35 U.S.C. § 102.

Moreover, claim 21 recites “said fastening creates a thermal interface between said computer-mounted device and said sidewalls.” The Examiner baldly states that *Joss* provides fastening that creates a thermal interface between the device and the sidewalls, see the Office Action at page 6. However, *Joss* teaches the use of pads 114 adhesively affixed to attachment tabs 106, see column 2, lines 44-46. The use of such pads and adhesive typically presents an insulating layer. There is nothing in the disclosure of *Joss* to teach or suggest that pads 114 and the adhesive used therewith is compatible with creating a thermal interface as recited in the claim. Accordingly, the identical invention is not shown by *Joss* in as complete detail as is contained in the claim. Claim 21 and the claims dependent therefrom are, therefore, patentable under 35 U.S.C. § 102 over *Joss*.

Dependent claims 2-7, 10-16, 22, and 23 are each directly or indirectly dependent from one of the above independent claims. Accordingly, without conceding that the Examiner’s assertions are valid with respect to the limitations of the rejected dependent claims, it is respectfully submitted that the dependent claims are allowable at least for the reasons set forth above with respect to claims 1 and 21.

#### **B. The Rejections Over Ramsdell**

Claim 1 recites “a deforming element configured from a resiliently-deformable surface, wherein said deforming element increases a deformability of said resiliently-deformable surface . . . .” The Examiner relies upon liner 20 of *Ramsdell* to meet the deforming element and, although stating that *Ramsdell* teaches that liner 20 is configured from a resiliently-deformable surface, provides no information with respect to what part of *Ramsdell* is relied upon to meet the resiliently-deformable surface, see the Office Action at page 6. Liner 20, however, is not shown in *Ramsdell* to increase a deformability of a resiliently-deformable surface, nor has the Examiner shown otherwise. Accordingly, a *prima facie* showing of anticipation under 35 U.S.C. § 102 has not been made of record with respect to claim 1 and the claims dependent therefrom.

Claim 1 further recites “a pair of attachment members disposed on opposite sides of and attached to said surface and adapted to interface with the device upon deformation of said deforming element.” The Examiner relies upon cover 19 to meet the attachment members, see the Office Action at page 6. Applicant initially notes that only a single cover 19 is provided with respect to liner 20, and thus “a pair of attachment members disposed on opposite sides of and attached to said surface” is not shown. Moreover, cover 19 is not shown by *Ramsdell* to interface with the gun upon deformation of liner 20. In contrast, it appears that liner 20 is disposed to prevent a gun inserted therein from interfacing with cover 19 of *Ramsdell*. Accordingly, the elements of *Ramsdell* relied upon in rejecting the claim are not arranged as recited in the claim.

Claim 21 recites “[a] system for dissipating heat in a computer-mounted device” and “securing said computer-mounted device in relation to a computer . . . .” The Examiner relies upon the disclosure of *Ramsdell* to meet this claim, although the rejection of record omits reference to a computer-mounted device and a computer, see the Office Action at page 7. The Examiner is respectfully reminded that, when evaluating the scope of a claim, every limitation in the claim must be considered, see M.P.E.P. § 2106. As express limitations of the claim have not been addressed by the rejection of record, a *prima facie* showing of anticipation under 35 U.S.C. § 103 has not been made.

Moreover, claim 21 recites that “said fastening creates a thermal interface between said computer-mounted device and said sidewalls.” *Ramsdell* is directed to a gun holder for vehicles, see the Abstract. *Ramsdell* does not teach a thermal interface between the gun and the holder, nor would anyone of ordinary skill in the art be lead to such a thermal interface from reviewing *Ramsdell* without the benefit of hindsight from Applicant’s disclosure. Accordingly, *Ramsdell* is insufficient to meet the claim under 35 U.S.C. § 102.

Dependent claims 2-4, 6-9, 12, and 24 are each directly or indirectly dependent from one of the above independent claims. Accordingly, without conceding that the Examiner’s assertions are valid with respect to the limitations of the rejected dependent claims, it is respectfully submitted that the dependent claims are allowable at least for the reasons set forth above with respect to claims 1 and 21.

**IV. Summary**

In view of the above, Applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-2025, under Order No. 10017961-2 from which the undersigned is authorized to draw.

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Date of Deposit: May 5, 2005

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